

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Only for new nonprovisional applications under 37 CFR 1.53(b)

Attorney Docket No.

9196-019-999

Total Pages

First Named Inventor or Application Identifier

Jean-Louis Dasseux

Express Mail Label No.

EL 451 596 906 US

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO:

Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form
Submit an original, and a duplicate for fee processing
2. ☒ Specification [Total Pages 140]
(preferred arrangement set forth below)
-Descriptive title of the Invention
-Cross Reference to Related Applications
-Statement Regarding Fed sponsored R&D
-Reference to Microfiche Appendix
-Background of the Invention
-Brief Summary of the Invention
-Brief Description of the Drawings (if filed)
-Detailed Description of the Invention (including drawings, if filed)
-Claim(s)
-Abstract of the Disclosure
3. ☒ Drawing(s) (35 USC 113) [Total Sheets 11]
4. ☒ Oath or Declaration [Total Sheets 2]
a. ☐ Newly executed (original or copy)
b. ☒ Copy from a prior application (37 CFR 1.63(d))
(for continuation/divisional with Box 17 completed)
[Note Box 5 below]
i. ☐ DELETION OF INVENTOR(S)
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33 (b).
5. ☒ Incorporation By Reference (useable if Box 4b is checked)
The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ Microfiche Computer Program (Appendix)
7. ☒ Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
a. ☐ Computer Readable Copy
b. ☒ Paper Copy (identical to computer copy)
c. ☐ Statement verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

8. ☐ Assignment Papers (cover sheet & document(s))
9. ☐ 37 CFR 3.73(b) Statement ☐ Power of Attorney (when there is an assignee)
10. ☐ English Translation Document (if applicable)
11. ☐ Information Disclosure Statement (IDS)/PTO-1449 ☐ Copies of IDS Citations
12. ☒ Preliminary Amendment
13. ☒ Return Receipt Postcard (MPEP 503)
(Should be specifically itemized)
14. ☒ Applicant claims Small Entity status, see 37 C.F.R. § 1.27
15. ☐ Certified Copy of Priority Document(s)
(if foreign priority is claimed)
16. ☐ Other:

17. If a CONTINUING APPLICATION, check appropriate box and supply the requisite information:

- ☒ Continuation ☐ Divisional ☐ Continuation-in-part (CIP) of prior application No: 09/465,719 filed December 17, 1999.

18. CORRESPONDENCE ADDRESS

Customer Number: 24341



(Insert Customer No. or Attach bar code label here)

or ☐ Correspondence address below

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Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Prior application: Examiner Russell, J.Art Unit 1653

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR § 1.53(b), of pending prior Application Serial No. 09/465,719 filed on December 17, 1999.

of Jean-Louis Dasseux, Renate Sekul, Klaus Buttner, Isabelle Cornut and Gunter Metz
(inventor(s) currently of record in prior application)

for APOLIPOPROTEIN A-I AGONISTS AND THEIR USE TO TREAT DYSLIPIDEMIC DISORDERS
(title of invention)

1. ☒ The filing fee is calculated below:

PATENT APPLICATION FEE VALUE

TYPE	NO. FILED	LESS	EXTRA	EXTRA RATE	FEE
Total Claims	14	-20	0	\$18.00 each	\$ 0.00
Independent	2	-3	0	\$80.00 each	\$ 0.00
Basic Fee					\$ 710.00
Multiple Dependency Fee If Applicable (\$270.00)					\$ 270.00
Total					\$ 980.00
50% Reduction for Independent Inventor, Nonprofit Organization or Small Business Concern					- \$ 490.00
Total Filing Fee					\$ 490.00

2. ☒ Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this sheet is enclosed.
3. ☒ Amend the specification by inserting before the first line the following sentence: This is a continuation of Application Serial No. 09/465,719, filed December 17, 1999. ^{now U.S. Patent No. 6,265,377}
/A
- 4a. ☐ Transfer the drawings from the prior application to this application and abandon the prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.

- 4b. ☐ New formal drawings are enclosed.
- 4c. ☒ Informal drawings are enclosed.
- 5a. ☐ Priority of application no. filed on in is claimed under 35 U.S.C. §119.
- 5b. ☐ The certified copy has been filed in prior application no. , filed .
- 6. ☒ The prior application is assigned of record to Esperion Therapeutics, Inc.
- 7a. ☐ The Power of Attorney appears in the original papers in the prior application no. , filed .
- 7b. ☒ Since the Power of Attorney does not appear in the original papers, a copy of the Power in prior Application Serial No. 09/465,719, filed December 17, 1999 is enclosed.
- 8. ☒ This application contains nucleic acid and/or amino acid sequences required to be disclosed in a Sequence Listing under 37 CFR §§1.821-1.825. It is requested that the Sequence Listing in computer readable form from prior Application Serial No.09/465,719, filed on December 17, 1999 be made a part of the present application as provided for by 37 C.F.R. §1.821(e). The sequences disclosed therein are the same as the sequences disclosed in this application. A copy of the paper Sequence Listing from Application Serial No. 09/465,719 is enclosed.
- 9. ☒ The undersigned states, under 37 C.F.R. §1.821(f), that the content of the enclosed paper Sequence Listing from Application Serial No. 09/465,719 is the same as the content of the computer readable form submitted in Application Serial No. 09/465,719.
- 10. ☒ Additional enclosures or instructions. Please enter the Preliminary Amendment canceling Claims 1, 16-18, 25, 33, 40 and 50 prior to calculating the fee.

Respectfully submitted,

Date: May 25, 2001

 42,983
 Rahul Pathak (Reg. No.)

For: Laura A. Coruzzi (Reg. No. 30,742)
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